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718 WEST 5th ST. AUSTIN, TEXAS 78701 PHONE 477-6755

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Former aide testifies in Feazell's behalf

By Garth Jones
Associated Press

AUSTIN — A former top aide to McLennan County District Attorney Vic Feazell testified Thursday that the Waco office sometimes used "desk drawer probation" just as other prosecutors' offices do.

"There is definitely a place for this kind of probation," said Pat Murphy, former chief of the felony division in Feazell's office. "The prosecution needs this discretion."

Murphy, now a businessman in Charlotte, N.C., was the first defense witness. He testified after U.S. District Judge James Nowlin refused to dismiss bribery and mail fraud charges against Feazell when the government completed its case.

Previous government witnesses said Feazell had put some DWI files in his desk drawer and dismissed them later in return for a share of the legal fees charged by some Waco attorneys.

Murphy said that from time to

time Feazell's office would tell the defendant in misdemeanor cases that they would hold the file for a few months and then dismiss it if the defendant had not caused any more trouble.

Murphy also said the office used a "speedy trial waiver" procedure in a similar manner.

Texas law requires prosecutors to bring a case to trial within a certain time — 90 days for DWI — or dismiss the charges.

However, Murphy said the defendant can be asked to sign a speedy trial waiver.

"This was not an effort to defraud anyone," Murphy said. "If at the end of six months a person had not gotten into any more trouble, we would dismiss it."

Feazell, 36, is charged in a 10-count federal indictment with accepting about \$19,000 in payments from defense attorneys for leniency for their clients.